

REMARKS

By this Amendment, Applicant amends claims 1-12. Claims 1-12 remain currently pending.

In the Office Action, the Examiner objected claims 1, 3, and 4 because of informalities; rejected claims 9-12 under 35 U.S.C. § 101 as containing non-statutory subject matter; rejected claims 1-3 and 5-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,745,481 to Phillips et al. ("Phillips"); and rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Phillips in view of U.S. Patent No. 7,054,627 to Hillman ("Hillman").¹

Regarding the Objection

Applicant respectfully traverses the objection to claims 1, 3, and 4 as containing informalities. However, to expedite the prosecution of this application, Applicant has amended claims 1, 3, and 4 to more appropriately define the present invention. Applicant respectfully submits that the claim amendments obviate the grounds for the objections, and requests withdrawal of the objection to claims 1, 3, and 4.

Regarding the Rejection under 35 U.S.C. § 101

Applicant respectfully traverses the rejection of claims 9-12 under 35 U.S.C. § 101 as containing non-statutory subject matter. However, to expedite the prosecution of this application, Applicant has amended claims 9-12 to recite a computer readable medium. Accordingly, Applicant respectfully requests withdrawal of the Section 101 rejection of claims 9-12.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Regarding the Rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claims 1-3 and 5-12 under 35 U.S.C. § 102(b) as being anticipated by Phillips. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, “a detector configured to detect identification information of the wireless relay apparatus found by the finding unit; and a displaying unit configured to display information which is characterized according to the identification information of the wireless relay apparatus detected by the detector.” Phillips fails to disclose at least these features of amended claim 1.

Phillips discloses that “the receiver can detect and compare the SSID information encoded in the transmitted signal with its stored SSID information. . . . When a match is found as indicated in step 320, the receiver can locate its assigned frame to decode the message(s) addressed to it in step 330. However, if the SSID in the transmitted signal does not match with the SSID stored in the receiver (accounting for the current frequency of the receiver), then in step 340, the receiver switches to another frequency.” Phillips, Col. 10, line 65 - Col. 11, line 9. “An SSID consists of and is uniquely identified by several identifiers: an LID, Zone, Country Code, Traffic Splitting Flags (TSF's) or

Traffic Message Flags (TMF's) and Frequency. Each Zone 110 has a unique SSID.” Phillips, Col. 5, lines 32-35. However, Phillips’s mere teaching of finding a single SSID at a given time does not constitute “a displaying unit configured to display information which is characterized according to the identification information of the wireless relay apparatus detected by the detector,” as recited in amended claim 1.

In fact, Phillips is completely silent on characterizing the identification information or displaying such characterized information. Phillips merely mentions display 434 in Figure 16. However, a general display block 434 cannot constitute “a displaying unit configured to display information which is characterized according to the identification information of the wireless relay apparatus detected by the detector,” as recited in amended claim 1 (emphasis added).

Therefore, Phillips fails to disclose each and every element of amended claim 1. Phillips thus cannot anticipate amended claim 1 under 35 U.S.C. § 102(b). Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of amended claim 1. Because claims 2, 3, and 5-8 depend from claim 1, either directly or indirectly, Applicant also requests withdrawal of the Section 102(b) rejection of amended claims 2, 3, and 5-8 for at least the same reasons stated above.

Further, amended independent claim 9, while of different scope, includes similar recitations to those of amended claim 1. Amended claim 9 is therefore also allowable for at least the same reasons stated above with respect to amended claim 1. Applicant also respectfully requests withdrawal of the Section 102(b) rejection of amended claim 9 and claims 10-12, which depend from claim 9.

In addition to being dependent from an allowable base claim, dependent claims 2, 3, 5-8, and 10-12 also contain additional allowable subject matter. For example, Phillips fails to disclose at least “a counting unit configured to count a finding frequency of the wireless relay apparatus found by the finding unit, wherein the displaying unit displays information characterized according to the identification information detected by the detector in a display form characterized according to the finding frequency counted by the counting unit,” as recited in amended claim 2.

As explained above, Phillips merely discloses finding a single SSID at a time. See Phillips, Col. 10, line 65 - Col. 11, line 9. However, Phillips fails to even mention “a finding frequency” or “wherein the displaying unit displays information characterized according to the identification information detected by the detector in a display form characterized according to the finding frequency counted by the counting unit,” as recited in amended claim 2.

Regarding the Rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Phillips in view of Hillman, because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness based on combination or suggestion of prior art, “Office personnel must articulate . . . a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. § 2143.A (8th edition, revision 6).

Claim 4 depends from amended claim 1 indirectly. As set forth above, Phillips fails to teach or suggest “a detector configured to detect identification information of the wireless relay apparatus found by the finding unit; and a displaying unit configured to display information which is characterized according to the identification information of the wireless relay apparatus detected by the detector,” as recited in amended claim 1 and required by claim 4 (emphasis added). Hillman fails to cure the deficiencies of Phillips.

Hillman teaches a network including “an Internet connection element and a plurality of wireless device access points. Each of the plurality of wireless device access points includes a wireless transceiver and each of the plurality of wireless device access points is coupled to the Internet connection element. A location of at least one of the plurality of wireless device access points is represented on a map that is accessible via the Internet.” Hillman, Abstract. However, Hillman's mere teaching of a map of access points does not constitute the above listed elements of amended claim 1.

Therefore, neither Phillips nor Hillman, taken alone or in any reasonable combination, teaches or suggests all claim elements required by amended claim 4. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of amended claim 4.

Further, amended claim 4 is allowable for additional reasons. For example, Hillman fails to even mention “the displaying unit generates a peculiar icon or a character message for the identification information of the wireless relay apparatus which is found by the finding unit, and displays the peculiar icon or the character

message in a display form characterized according to the counted finding frequency,” as recited in amended claim 4 (emphasis added).

Conclusion

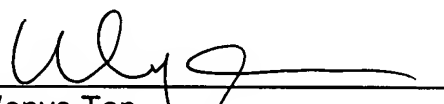
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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